

ORIGINAL

OPEN MEETING ITEM

7/18-19/12



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COMMISSIONERS
GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR



DIRECTOR

SECURITIES DIVISION
1300 West Washington, Third Floor
Phoenix, AZ 85007
TELEPHONE: (602) 542-4242
FAX: (602) 388-1335
E-MAIL: securitiesdiv@azcc.gov

ARIZONA CORPORATION COMMISSION

MEMORANDUM

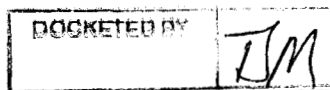
TO: Gary Pierce, Chairman
Bob Stump
Sandra D. Kennedy
Paul Newman
Brenda Burns

Arizona Corporation Commission

DOCKETED

JUL 10 2012

FROM: Mark Dinell
Assistant Director of Securities



ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

2012 JUL 10 P 4:35

RECEIVED

DATE: July 10, 2012

RE: Proposed Order To Cease and Desist, Order For Restitution, Order For Administrative Penalties and Consent To Same Re: Southwest Biofuels, LLC, Rick J. Jimenez and Susan C. Jimenez Docket No. S-20834A-12-0033

CC: Ernest G. Johnson, Executive Director

Please find attached a Proposed Order To Cease and Desist, Order For Restitution, Order For Administrative Penalties and Consent To Same Re: Southwest Biofuels, LLC, Rick J. Jimenez and Susan C. Jimenez ("Order"). The Order requires Respondents to cease and desist from violating the Securities Act, pay restitution to investors in the principal amount of \$610,850, plus interest from the date of investment, and pay an administrative penalty in the amount of \$50,000.

Since 2010, Respondents offered and sold membership interests in Southwest Biofuels, LLC. Respondents, or agents of the Respondents, contacted potential investors via telephone calls. Respondents represented to potential investors that they had already begun production of biofuel from algae and, in some instances, represented that the biofuel was already being tested. Respondents are not in production. On January 30, 2012, a Temporary Cease and Desist Order was filed against the Respondents.

The Order finds that Respondents violated A.R.S. §§44-1841 and 44-1842 by selling unregistered securities in the form of investment contracts while being unlicensed. In addition, the Order finds that Respondents violated A.R.S. §44-1991 because there were untrue statements or misleading omissions of material fact. The Division believes that the Order is appropriate to protect the public welfare.

Originator: Wendy Coy

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE, Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 In the matter of

9 SOUTHWEST BIOFUELS, LLC, a Nevada
10 limited liability company

11 and

12 RICK J. JIMENEZ and SUSAN C.
13 JIMENEZ, husband and wife,

14 Respondents.

) DOCKET NO. S-20834A-12-0033

) DECISION NO. _____

) **ORDER TO CEASE AND DESIST, ORDER
FOR RESTITUTION, ORDER FOR
ADMINISTRATIVE PENALTIES AND
CONSENT TO SAME**

) **RE: SOUTHWEST BIOFUELS, LLC, RICK J.
JIMENEZ and SUSAN C. JIMENEZ**

15 Respondents SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C.
16 JIMENEZ elect to permanently waive any right to a hearing and appeal under Articles 11 and 12 of
17 the Securities Act of Arizona, A.R.S. § 44-1801 *et seq.* ("Securities Act") with respect to this Order
18 To Cease and Desist, Order for Restitution, Order for Administrative Penalties and Consent to
19 Same ("Order"). Respondents admit the jurisdiction of the Arizona Corporation Commission
20 ("Commission"); admit the Findings of Fact and Conclusions of Law contained in this Order; and
21 consent to the entry of this Order by the Commission.

22 **I.**

23 **FINDINGS OF FACT**

24 1. SOUTHWEST BIOFUELS, LLC ("SOUTHWEST") is a manager-managed
25 limited liability company organized under the laws of the state of Nevada on January 22, 2010.
26 SOUTHWEST is located in Mesa, Arizona with facilities in Tucson, Arizona.

1 2. RICK J. JIMENEZ ("JIMENEZ") is and was, at all relevant times, a married man
2 and a resident of Mesa, Arizona. JIMENEZ is the president, Chief Operations Officer and Chief
3 Executive Officer of SOUTHWEST. According to the records of the Nevada Secretary of State,
4 JIMENEZ is also a manager of SOUTHWEST.

5 3. SOUTHWEST and JIMENEZ may be referred to collectively as "Respondents."

6 4. SUSAN JIMENEZ has been, at all relevant times, the spouse of JIMENEZ. SUSAN
7 JIMENEZ may be referred to as "Respondent Spouse." Respondent Spouse is joined in this action
8 under A.R.S. § 44-2031(C) solely for purposes of determining the liability of the marital community
9 of JIMENEZ.

10 5. At all relevant times, JIMENEZ was acting for his own benefit and for the benefit or
11 in furtherance of his marital community.

12 6. In December 2011, a person claiming to represent SOUTHWEST placed an
13 unsolicited telephone call ("cold-call") to a resident of Wisconsin offering him the opportunity to
14 purchase Units in SOUTHWEST. The salesman represented that he was located in Tucson,
15 Arizona. According to the salesman, the Wisconsin resident had an opportunity to invest in a
16 private company, SOUTHWEST, before it went "public." The Wisconsin resident stated that he
17 had never invested a private company before and had limited investment experience. The salesman
18 encouraged the Wisconsin resident to invest immediately because the SOUTHWEST had a "ticker"
19 symbol and had submitted paperwork to the Securities and Exchange Commission ("SEC").

20 7. As of June 15, 2012, no documents have been filed with the SEC under the name of
21 SOUTHWEST.

22 8. The salesman represented to the potential investor that he was a salesman for
23 SOUTHWEST and received eight percent of the investment amount for any sales he makes. The
24 salesman represented his title as being "Senior Project Manager" of SOUTHWEST.

25 9. The salesman represented to the Wisconsin offeree that SOUTHWEST already had
26 investors who resided in Wisconsin, Nevada and Hawaii.

1 10. The salesman provided the Wisconsin offeree a copy of a subscription agreement
2 and a Confidential Private Placement Memorandum ("PPM") dated May 15, 2010. The salesman
3 also provided the Wisconsin offeree with access to the SOUTHWEST website.

4 11. According to the PPM, the Units offered by SOUTHWEST are for accredited
5 investors only. When told that the Wisconsin offeree was not accredited, the salesman stated that
6 SOUTHWEST could accept a limited number of non-accredited investors.

7 **FOR ACCREDITED INVESTORS ONLY**

8 SouthWest BioFuels, LLC (the "Company") is a Nevada corporation recently
9 formed to develop and market biodiesel fuel formed from feedstock generated by
10 the farming of algae. The Company plans to offer biodiesel fuel to distributors for
11 blending with petroleum diesel fuel. The Company also plans to aggressively
12 market biodiesel fuel to the general public through independent gasoline stations
13 across the western United States. Further, the Company has contracted with
14 several commercial trucking and construction concerns to provide and deliver our
biodiesel fuel. The Company plans to use the net proceeds from this offering to
purchase/lease land for the farming of algae, to build out the aforementioned land
to produce algae, to build and maintain bio-reactors for the production of fuel,
rent, salaries, management and consulting compensation, research and
development, advertising and marketing costs, and for general working capital
purposes. . . .

15 12. The Investment Summary section of the PPM describes the offering by
16 SOUTHWEST as follows:

17 **The Offering**

18 Issuer . . . SouthWest BioFuels LLC, a Nevada corporation

19 Securities Offered . . . The Company is offering up to three hundred units each
20 consisting of 25,000 shares of preferred stock and 5,000 common stock purchase
21 warrants. The preferred stock will be paid dividends quarterly equal to ten percent
22 (10%) of the Company's net profit for that quarter. No public market for the
Company's securities existed prior to this offering (the "Offering") and the
Company does not anticipate that any significant public market for the units or
warrants will develop after the consummation of the Offering. . . .

23 Use of Proceeds . . . The net proceeds of the Offering will be utilized to
24 purchase/lease and build out farmland to produce algae feedstock as well as
25 required equipment to process said feedstock into biodiesel fuel, pay consulting
26 fees, and for general working capital purposes. . . .

1 Dividend Paid on Preferred Stock . . . The Preferred Stockholders are guaranteed
2 a dividend equal to ten percent (10%) of the net profit of the Company, divided
3 equally among the issued and outstanding shares of preferred stock. . . .

4 Preferred Stock Dividend Payment Terms . . . The Preferred stock dividends are
5 payable on a quarterly basis.

6 Distribution of Securities . . . The Units will be offered by the Company until
7 June 1, 2012, unless extended by the company for up to an additional 180 days.
8 Subscriptions will only be accepted from Accredited Investors, as that term is
9 defined in Regulation D promulgated under the Securities Act of 1933, as
10 amended. . . .

11 13. Even though SOUTHWEST is a limited liability company, the securities offered are
12 described in the PPM as Units that includes shares of preferred and common stock.

13 14. The PPM describes how the funds raised from investors will be used.

14 **USE OF PROCEEDS**

15 The maximum gross proceeds from the sale of the Units are \$7,500,000. The net
16 proceeds from the offering are expected to be approximately \$6,000,000 after the
17 payment of offering costs including printing, mailing, legal accounting costs, and
18 potential selling commissions and finder's or referral fees that may be incurred.
19 This will include an additional field office and other marketing expenses for
20 expansion. The proceeds from the offering of the Units will be utilized to
21 purchase/lease and build out farmland to produce algae feedstock as well as
22 required equipment to process said feedstock into biodiesel fuel, pay consulting
23 fees, and for general working capital purposes. The net proceeds from this
24 offering may be allocated differently at management's discretion.

25 15. The PPM states that "[t]here is no requirement that any minimum number of Units
26 be sold and therefore no escrow will be established for subscription funds. Subscription funds may
be deposited by the Company directly into its operating account for use as described in the
Memorandum."

16 16. The PPM describes the securities as follows:

17 **Preferred Stock**

18 The Company's Board of Directors has the authority to issue up to 10,000,000
19 shares of Series A Preferred Stock, no par value, with such rights, preferences and
20 privileges as they may determine.

21 Holders of Series A Preferred Stock are entitled to dividends equal to ten percent
22 (10%) of the net profit of the Company, paid quarterly. These dividends will be
23 distributed equally among the issued outstanding shares of Preferred Stock.
24 Dividends are cumulative and will be paid in full before any distributions to

1 holders of Common Stock. . . . Holders of Preferred Stock are not entitled to any
2 voting rights. Upon liquidation or dissolution, the holder of each outstanding
share of Preferred Stock will be entitled to share equally in the funds legally
available for distribution to such stockholders after payment of all liabilities.

3 **The Warrants**

4 The Units include a total of 1,500,000 Warrants to purchase 1,500,000 shares of
5 the Company's Common Stock for a purchase price of \$1.00 per share,
6 exercisable at any time until December 31, 2012 unless extended by a vote of the
Board of Directors and approved by the stockholders. The Warrants include
7 customary anti-dilution provisions providing for price and amount adjustments in
the event of stock splits, reverse stock splits, recapitalizations, stock dividends
and similar transactions. No adjustments are made for the issuance of additional
8 shares of capital stock by the Company. . . .

9 17. SOUTHWEST's "success is substantially dependent on the performance of its
10 executive officers and key employees." SOUTHWEST "will generally be dependent upon
[JIMENEZ] for the direction, management and daily supervision" of SOUTHWEST's operation.

11 18. On June 28, 2011, the Commonwealth of Pennsylvania Securities Commission
12 issued a Summary Order to Cease and Desist against SOUTHWEST for violations of the
13 Pennsylvania Securities Act.

14 19. Respondents failed to disclose the Pennsylvania Securities Commission's Summary
15 Order to Cease and Desist to offerees and investors. The PPM failed to disclose the Pennsylvania
16 Securities Commission's Summary Order to Cease and Desist.

17 20. Salespeople for SOUTHWEST represented to at least two investors that
18 SOUTHWEST was already producing biofuel from algae in quantities sufficient to sell to third
19 parties. No sales have been made.

20 21. From September 2010 through January 2012, Respondents raised \$635,100 from 45
21 investors. One investor received \$24,250 repayment.

22 22. JIMENEZ has not been registered as a securities salesman or dealer.

23 23. SOUTHWEST has not been registered as a dealer.
24
25
26

II.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to Article XV of the Arizona Constitution and the Securities Act.

2. Respondents offered or sold securities within or from Arizona, within the meaning of A.R.S. §§ 44-1801(15), 44-1801(21), and 44-1801(26).

3. Respondents violated A.R.S. § 44-1841 by offering or selling securities that were neither registered nor exempt from registration.

4. Respondents violated A.R.S. § 44-1842 by offering or selling securities while neither registered as dealers or salesmen nor exempt from registration.

5. Respondents violated A.R.S. § 44-1991 by (a) employing a device, scheme, or artifice to defraud, (b) making untrue statements or misleading omissions of material facts, or (c) engaging in transactions, practices, or courses of business that operate or would operate as a fraud or deceit.

a. Respondents misrepresented to an offeree that SOUTHWEST was about to “go public” in a short period of time and had filed papers with the Securities and Exchange Commission.

b. Respondents misrepresented to at least two investors that SOUTHWEST was already producing biofuel from algae in quantities sufficient to sell to third parties.

c. Respondents failed to disclose to offerees and investors that SOUTHWEST was the subject of a Summary Order to Cease and Desist issued by the Commonwealth of Pennsylvania, Securities Commission for violations of the Pennsylvania Securities Act.

6. Respondents’ conduct is grounds for a cease and desist order pursuant to A.R.S. § 44-2032.

8. Respondents' conduct is grounds for administrative penalties under A.R.S. § 44-2036.

9. RICK J. JIMENEZ acted for the benefit of his respective marital community and, pursuant to A.R.S. §§ 25-214 and 25-215, this Order of restitution and administrative penalties is a debt of the community.

10. RICK J. JIMENEZ directly or indirectly controlled persons or entities within the meaning of A.R.S. § 44-1999, including but not limited to SOUTHWEST BIOFUELS, LLC. Therefore, RICK J. JIMENEZ is jointly and severally liable under A.R.S. § 44-1999 to the same extent as SOUTHWEST BIOFUELS, LLC for any violations of A.R.S. § 44-1991.

ORDER

THEREFORE, on the basis of the Findings of Fact, Conclusions of Law, and Respondents' consent to the entry of this Order, attached and incorporated by reference, the Commission finds that the following relief is appropriate, in the public interest, and necessary for the protection of investors:

IT IS ORDERED, pursuant to A.R.S. § 44-2032, that Respondents, and any of Respondents' agents, employees, successors and assigns, permanently cease and desist from violating the Securities Act.

IT IS FURTHER ORDERED that Respondents comply with the attached Consent to Entry of Order.

IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-2032, that SOUTHWEST BIOFUELS, LLC and RICK J. JIMENEZ, individually, and the marital community of RICK J. JIMENEZ and SUSAN C. JIMENEZ, jointly and severally shall pay restitution to the Commission in the principal amount of \$610,850, subject to legal setoffs pursuant to A.A.C. R14-4-308.

1 Payment is due in full on the date of this Order. Payment shall be made to the "State of
2 Arizona" to be placed in an interest-bearing account controlled by the Commission. Any principal
3 amount outstanding shall accrue interest at the rate of 10 percent per annum from the date of
4 purchase until paid in full. Interest in the amount of \$69,861.37 has accrued from the date of
5 purchase to July 18, 2012.

6 The Commission shall disburse the funds on a pro-rata basis to investors shown on the
7 records of the Commission. Any restitution funds that the Commission cannot disburse because an
8 investor refuses to accept such payment, or any restitution funds that cannot be disbursed to an
9 investor because the investor is deceased and the Commission cannot reasonably identify and
10 locate the deceased investor's spouse or natural children surviving at the time of the distribution,
11 shall be disbursed on a pro-rata basis to the remaining investors shown on the records of the
12 Commission. Any funds that the Commission determines it is unable to or cannot feasibly disburse
13 shall be transferred to the general fund of the state of Arizona.

14 IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-2036, that SOUTHWEST
15 BIOFUELS, LLC and RICK J. JIMENEZ, individually, and the marital community of RICK J.
16 JIMENEZ and SUSAN C. JIMENEZ, shall jointly and severally with all Respondents against
17 whom orders are entered pay an administrative penalty in the amount of \$50,000. Payment is due in
18 full on the date of this Order. Payment shall be made to the "State of Arizona." Any amount
19 outstanding shall accrue interest from the date judgment is entered at the rate of 10 percent per
20 annum.

21 IT IS FURTHER ORDERED that payments received by the state of Arizona shall first be
22 applied to the restitution obligation. Upon payment in full of the restitution obligation, payments
23 shall be applied to the penalty obligation.

24 IT IS FURTHER ORDERED, that if any Respondent fails to comply with this order, the
25 Commission may bring further legal proceedings against that Respondent, including application to
26 the superior court for an order of contempt.

1 IT IS FURTHER ORDERED, that no finding of fact or conclusion of law contained in this
2 Order shall be deemed binding against any Respondent under this Docket Number who has not
3 consented to the entry of this Order.

4 IT IS FURTHER ORDERED that this Order shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION

6
7
8 CHAIRMAN

COMMISSIONER

9
10 COMMISSIONER

COMMISSIONER

COMMISSIONER

11
12 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
13 Executive Director of the Arizona Corporation
14 Commission, have hereunto set my hand and caused the
15 official seal of the Commission to be affixed at the Capitol,
16 in the City of Phoenix, this _____ day
17 of _____, 2012.

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ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

20 DISSENT

22 DISSENT

23 This document is available in alternative formats by contacting Shaylin A. Bernal, ADA
24 Coordinator, voice phone number 602-542-3931, e-mail sabernal@azcc.gov.

25 (wlc)

CONSENT TO ENTRY OF ORDER

1
2 1. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ
3 admit the jurisdiction of the Commission over the subject matter of this proceeding.
4 SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ acknowledge that
5 they have been fully advised of their right to a hearing to present evidence and call witnesses and
6 SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ knowingly and
7 voluntarily waive any and all rights to a hearing before the Commission and all other rights
8 otherwise available under Article 11 of the Securities Act and Title 14 of the Arizona
9 Administrative Code. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C.
10 JIMENEZ acknowledge that this Order to Cease and Desist, Order for Restitution, Order for
11 Administrative Penalties and Consent to Same ("Order") constitutes a valid final order of the
12 Commission.

13 2. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ
14 knowingly and voluntarily waive any right under Article 12 of the Securities Act to judicial review
15 by any court by way of suit, appeal, or extraordinary relief resulting from the entry of this Order.

16 3. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ
17 acknowledge and agree that this Order is entered into freely and voluntarily and that no promise
18 was made or coercion used to induce such entry. RICK J. JIMENEZ and SUSAN C. JIMENEZ
19 have been represented by an attorney in this matter, they have reviewed this order with their
20 attorney, Nathaniel Wadsworth, Esq., Rowley Chapman Barney & Buntrock, Ltd., and understand
21 all terms it contains. RICK J. JIMENEZ and SUSAN C. JIMENEZ acknowledge that their attorney
22 has apprised them of their rights regarding any conflicts of interest arising from dual representation.
23 RICK J. JIMENEZ and SUSAN C. JIMENEZ acknowledge that they have each given their
24 informed consent to such representation.

25 5. SOUTHWEST BIOFUELS, LLC and RICK J. JIMENEZ admit the Findings of Fact
26 and Conclusions of Law contained in this Order. SOUTHWEST BIOFUELS, LLC and RICK J.

1 JIMENEZ agree that they shall not contest the validity of the Findings of Fact and Conclusions of
2 Law contained in this Order in any present or future proceeding in which the Commission or any
3 other state agency is a party concerning the denial or issuance of any license or registration required
4 by the state to engage in the practice of any business or profession.

5 6. By consenting to the entry of this Order, SOUTHWEST BIOFUELS, LLC, RICK J.
6 JIMENEZ and SUSAN C. JIMENEZ agree not to take any action or to make, or permit to be made,
7 any public statement denying, directly or indirectly, any Finding of Fact or Conclusion of Law in
8 this Order or creating the impression that this Order is without factual basis. SOUTHWEST
9 BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ will undertake steps necessary to
10 assure that all of their agents and employees understand and comply with this agreement.

11 7. While this Order settles this administrative matter between SOUTHWEST
12 BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ and the Commission, they
13 understand that this Order does not preclude the Commission from instituting other administrative
14 or civil proceedings based on violations that are not addressed by this Order.

15 8. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ
16 understand that this Order does not preclude the Commission from referring this matter to any
17 governmental agency for administrative, civil, or criminal proceedings that may be related to the
18 matters addressed by this Order.

19 9. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ
20 understand that this Order does not preclude any other agency or officer of the state of Arizona or
21 its subdivisions from instituting administrative, civil, or criminal proceedings that may be related to
22 matters addressed by this Order.

23 10. SOUTHWEST BIOFUELS, LLC and RICK J. JIMENEZ agree that they will not
24 apply to the state of Arizona for registration as a securities dealer or salesman or for licensure as an
25 investment adviser or investment adviser representative until such time as all restitution and
26 penalties under this Order are paid in full.

11. SOUTHWEST BIOFUELS, LLC and RICK J. JIMENEZ agree that they will not exercise any control over any entity that offers or sells securities or provides investment advisory services within or from Arizona until such time as all restitution and penalties under this Order are paid in full.

12. RICK J. JIMENEZ and SUSAN C. JIMENEZ acknowledge that any restitution or penalties imposed by this Order are obligations of the Respondent as well as the marital community

13. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ consent to the entry of this Order and agree to be fully bound by its terms and conditions.

14. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ acknowledge and understand that if they fail to comply with the provisions of the order and this consent, the Commission may bring further legal proceedings against them, including application to the superior court for an order of contempt.

15. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ understand that default shall render them liable to the Commission for its costs of collection and interest at the maximum legal rate.

16. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ agree and understand that if they fail to make any payment as required in the Order, any outstanding balance shall be in default and shall be immediately due and payable without notice or demand. SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C. JIMENEZ agree and understand that acceptance of any partial or late payment by the Commission is not a waiver of default by the Commission.

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17. RICK J. JIMENEZ represents that he is the managing member of SOUTHWEST BIOFUELS, LLC and has been authorized by SOUTHWEST BIOFUELS, LLC to enter into this Order for and on behalf of it.

RICK J. JIMENEZ

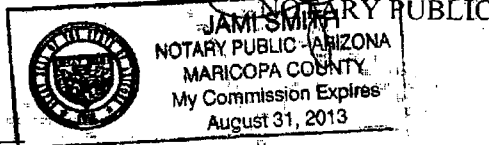
SUSAN C. JIMENEZ

STATE OF ARIZONA)
) ss
County of Maricopa)

SUBSCRIBED AND SWORN TO BEFORE me this 10 day of July, 2012.

My commission expires:

Aug. 31, 2013



SOUTHWEST BIOFUELS, LLC

RICK J. JIMENEZ

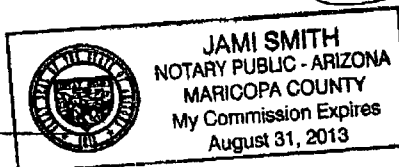
Managing Member of Southwest Biofuels, LLC

STATE OF ARIZONA)
) ss
County of Maricopa)

SUBSCRIBED AND SWORN TO BEFORE me this 10 day of July, 2012.

My commission expires:

Aug. 31, 2013



NOTARY PUBLIC

1 SERVICE LIST FOR: SOUTHWEST BIOFUELS, LLC, RICK J. JIMENEZ and SUSAN C.
2 JIMENEZ

3 ROWLEY CHAPMAN BARNEY & BUNTROCK

4 Nathaniel Wadsworth, Esq.

5 63 E. Main Street, Ste. 501

6 Mesa, Arizona 85201-7436

7 Attorneys for Southwest Biofuels, LLC, Rick J. Jimenez and Susan C. Jimenez

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2
3 COMMISSIONERS

4 GARY PIERCE, Chairman
5 BOB STUMP
6 SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

7 In the matter of:

DOCKET NO. S-20834A-12-0033

8
9 SOUTHWEST BIOFUELS, LLC, a Nevada
limited liability company

**NOTICE OF FILING OF PROPOSED
OPEN MEETING AGENDA ITEM**

10 and

11 RICK J. JIMENEZ and SUSAN C. JIMENEZ,
12 husband and wife,

13 Respondents.

14 Pursuant to A.A.C. R14-4-303, you are hereby notified that the attached: Order To Cease
15 And Desist, Order For Restitution, Order For Administrative Penalties And Consent To Same Re:
16 Southwest Biofuels, LLC, Rick J. Jimenez and Susan C. Jimenez was filed with the Arizona
17 Corporation Commission's Docket Control.

18
19 Dated: July 10, 2012

By:

Wendy L. Coy
Wendy L. Coy, Senior Counsel

20
21 I hereby certify that I have this day served the foregoing document on all parties of record
22 in this proceeding by mailing a copy thereof, properly addressed with first class postage prepaid to:

23
24
25
26
Decision No. _____

1
2 ROWLEY CHAPMAN BARNEY & BUNTROCK

3 Nathaniel Wadsworth, Esq.

4 63 E. Main Street, Ste. 501

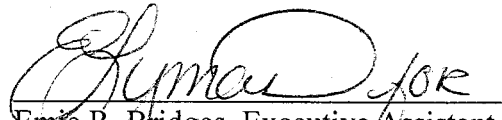
5 Mesa, Arizona 85201-7436

6 Attorneys for Southwest Biofuels, LLC, Rick J. Jimenez and Susan C. Jimenez

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Dated:

July 10, 2012

By:


Emie R. Bridges, Executive Assistant